



Linda S. Adams  
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Environmental  
Protection

# California Regional Water Quality Control Board

## Central Valley Region

Karl E. Longley, Sc, P.E., Chair



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28 August 2008

Mark Miller, Director  
Department of Sanitation  
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### **ADMINISTRATIVE CIVIL LIABILITY ORDER FOR MANDATORY MINIMUM PENALTIES, NEVADA COUNTY SANITATION DISTRICT NO. 1 CASCADE SHORES WASTEWATER TREATMENT PLANT, NEVADA COUNTY**

Enclosed is a tentative Administrative Civil Liability Order (Order), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements Order Nos. 94-160 and 5-01-177 (NPDES No. CA0083241) by the Nevada County Sanitation District No. 1, Cascade Shores Wastewater Treatment Plant (hereafter referred to as "Discharger"). The tentative Order charges the Discharger with administrative civil liability in the amount of **four hundred fifty thousand dollars (\$450,000)**, which represents the sum of the statutory Mandatory Minimum Penalties for effluent limit violations which occurred from 1 January 2000 through 30 April 2008.

On 5 May 2008, the Assistant Executive Officer issued ACL Complaint No. R5-2008-0521 for \$411,000 in mandatory minimum penalties pursuant to CWC section 13385 (h) and (i), for violations of WDRs Order Nos. 94-160 and 5-01-177 for the period 1 January 2000 through 31 December 2007. The Discharger has submitted information describing its compliance project, and therefore this ACL Order rescinds and replaces ACL Complaint No. R5-2008-0521 to allow a compliance project in lieu of payment of the penalty, extend the timeframe for the record of violations (ROV), and increase the total assessment from \$411,000 to \$450,000. The changes to the ROV are discussed in an attached technical memorandum.

California Water Code (CWC) section 13385(k) allows a publicly owned treatment works serving a small community to complete a compliance project in lieu of paying the penalties. Cascade Shores is a small community, and is in the process of spending over \$4 million to construct a new wastewater treatment plant to meet effluent limitations that will correct the violations. The tentative Order provides that, in lieu of paying the mandatory minimum penalties, the Discharger may apply the penalty towards its compliance project, as long as the project is completed in accordance with the schedule in the Order.

The tentative Order constitutes a settlement of the violations herein charged. However, this Order will only be considered effective after a 30-day period, starting from the date of this Order, during which time interested parties may comment on this action by submitting

information to this office, attention Patricia Leary. Should the Regional Water Board receive new information during this comment period, the Regional Water Board may withdraw and re-issue the tentative Order with modifications, or may schedule the matter for a hearing before the Regional Water Board.

Any comments or evidence concerning the enclosed Order must be submitted to this office, attention Patricia Leary, **no later than 5 p.m. on 29 September 2008**. This includes material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Regional Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from the enclosed tentative Order, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 29 September 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

If you have any questions or comments regarding the tentative ACL Order, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 464-4623.

WENDY WYELS

Environmental Program Manager  
Compliance and Enforcement Section

Enclosures: Tentative ACL Order  
Technical Memorandum

cc w/encl: Ms. Pamela Creedon, Regional Water Board, Rancho Cordova  
Mr. Ken Greenberg, U.S. EPA, Region IX, San Francisco  
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Carol Oz, Department of Fish and Game, Rancho Cordova  
Nevada County Department of Environmental Health, Nevada City  
Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton  
Mr. Nate Beason, Nevada County Board of Supervisors, Nevada City